

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Spabo Ice Cream Corp., d/b/a Mister Softée  
and Mister Softée, Inc.

V.

Domingo Ice Cream Corp., et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 6138

JUDGE SCHEINDLIN

TO: (Name and address of Defendant)

FAUSTO MORETA,  
2208 Manning Street  
Bronx, NY 10462

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael Einbinder, Esquire  
Einbinder & Dunn, LLP  
104 W. 40th Street  
New York, New York 10018

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

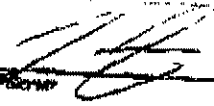
CLERK

*Marcos Quintero*

(By) DEPUTY CLERK

DATE

JUL 09 2008

Service of the Summons and complaint was made by (check one)		DATE
NAME OF SERVER (PRINT) JOHN FAZIO		JULY 15, 2008
Check one box below to indicate appropriate method of service.		REMARKS CIVIL PROCESS SERVER
<input type="checkbox"/> Served personally upon the defendant, return receipt secured.		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unrec'd: 2208 MANNING ST, ROSE ANGEL (COUSIN) BRONX NY 10462 (FAUSTO MORETA)		
<input type="checkbox"/> Other (specify):		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information is true and correct.		
Executed on	Date	Signature of Server
	JULY 15, 2008	
Address of Server		
181 BOYD ST SE NY 10304		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.